

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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MIGUEL ANGEL COLULA and JORGE
ARGUELLO, *on behalf of themselves, FLSA*
Collective Plaintiffs, and the Class,

Plaintiffs,

-v-

ENGLISH ENTERPRISES, INC., OLIVES NY LLC,
and TODD ENGLISH,

Defendants.

15 Civ. 1511 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On May 18, 2015, the defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

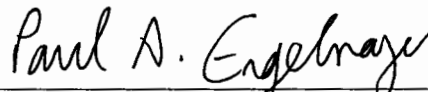
Accordingly, it is hereby ORDERED that plaintiffs shall file any amended complaint by June 9, 2015. No further opportunities to amend will be granted. If plaintiffs do amend, by June 30, 2015, defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that they rely on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiffs shall serve any opposition to the motion to dismiss by June 9, 2015. Defendants' reply, if any, shall be served

¹ If defendants file a new motion to dismiss or rely on their previous motion, plaintiffs' opposition will be due 14 days thereafter.

by June 16, 2015. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive style with a horizontal line underneath it.

PAUL A. ENGELMAYER
United States District Judge

Dated: May 19, 2015
New York, New York